

Solutia Inc.

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September 3, 1999

Mr. Michael McAteer (SR-6J)
U. S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Thomas Martin
Associate Regional Counsel
U. S. EPA - Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590

Re: Sauget Area I - January 21, 1999 AOC
Trenching - Access to Cerro Copper

Dear Mr. McAteer and Mr. Martin,

The attached August 26, 1999 letter documents the Cerro Copper Inc. ("Cerro") position relative to Solutia's request for access to their properties for the EECA / RIFS sampling requirements associated with the January 21, 1999 AOC. In summary, Cerro has agreed to grant access to all requested properties for all requested purposes, with the exception of trenching in Sites I and H. This position was confirmed by Cerro following an August 27 meeting between Solutia and Cerro to discuss the issue and to clarify misunderstandings expressed by Cerro in the letter as to the extent of boundary trenching required. It is my understanding that Rich Ricci, counsel for Cerro, has subsequently conveyed the position expressed in the August 26 letter to the Agency.

Solutia has earlier expressed concerns to the Agency similar to those which Cerro is now expressing, concerning the safety and health implications attendant with using intrusive procedures such as trenching to collect data in Sites I and H. Solutia concurs with Cerro's position that sufficient data for the EECA process can be obtained by less intrusive methods and that the added risks associated with trenching are not justified. As we are all aware, Sites H & I have a much different history of use than does Site G - a history that gives rise to a much higher level of concern for intrusion into H and I. In addition, new information now being gathered by Solutia concerning the operations of the

Chemical Warfare Service by the U. S. Government have only added to the concerns about the safety of intruding into the H & I landfills.

Solutia urges the U. S. EPA to reconsider the planned interior confirmation trenching in Sites H & I. The objective of this work - to confirm the presence of buried drums / tanks, etc., with the specific area of investigation to be determined by information from the non-intrusive techniques - can be more safely achieved by proven, accepted and less intrusive methods. It was suggested at the September 1 project kickoff meeting held at the Sauget Village Hall, that the issue of interior trenching and access for the work be temporarily tabled until the non-intrusive investigative methods' results were available and evaluated. The question of whether interior trenching should be conducted at all, and procurement of any necessary access required for the work as defined at that time, can then be revisited with that additional information in hand. Solutia advocates acceptance of this suggestion. In addition, Solutia requests that the use of ground penetrating radar - as an alternative to the interior trenching - be further evaluated at that time.

As agreed in the September 1 meeting, Solutia will approach Cerro once again concerning access for the confirmation boundary. We will use the technical team to communicate the exact approach and precautions that are to be taken.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Light', written in a cursive style.

D. M. Light
Manager, Solutia Inc.

cc:

M. Foresman - Solutia
B. Yare - Solutia
J. Nassif , Esq. - Thompson Coburn
C. Michuda, Esq. - Thompson Coburn



CERRO COPPER PRODUCTS CO.

P.O. Box 66800

St. Louis, MO 63166-6800

618/337-6000

Faxed August 26, 1999

Mr. D. Michael Light
Manager of Remedial Projects
Solutia, Inc. 6S
P.O. Box 66760
St. Louis, Missouri 63166-6760

Re: Sauget Area I Sites Remedial Investigation

Dear Mr. Light:

As you know, in June of this year Cerro entered into a revocable Access Agreement with Solutia to grant Solutia access to Cerro's property for the stated purpose of sampling soil and groundwater. We had originally understood from our discussions with Solutia that access was required to allow Solutia to sample soil and groundwater on Cerro's property. I met Tuesday, August 24, 1999 with Kimberly Perry of your office and Solutia's consultants from O'Brien & Gere and learned for the first time that the actual scope of activities that the USEPA is requiring Solutia to conduct on Cerro's property goes far beyond our original understanding. To the contrary, the USEPA's required scope of work includes wells, piezometers, soil and waste samples, air samples, a soil gas survey, a magnetometer survey and the installation of a trench 40 feet deep and three to four feet wide around the perimeter of Site I, as well as portions of Sites G and H.

Under paragraph one of the Access Agreement, Cerro agreed to provide access to Solutia solely for the purpose of sampling soil and ground water. Accordingly, Cerro has no objection to the taking of soil samples or the installation of the wells and piezometers that Solutia has proposed, if approved by U.S. EPA. We would, however, note that Solutia has proposed three piezometers along the northern boundary of Cerro's plant. If those piezometers were moved approximately 100 feet further to the north, Solutia would have unencumbered access to them, as they would be on Solutia's property.

Moreover, although it is beyond the scope of the Access Agreement, Cerro does not object in principle to the air sampling, magnetometer or any other nondestructive surveying that the EPA might require, provided that the logistics of those operations can be worked out to minimize the impact on Cerro's operations. We are confident, however, that we can accommodate those activities.

We note in this regard that under paragraph 10 of our Access Agreement with Solutia, Cerro is entitled to receive from Solutia copies of the Administrative Order on Consent for the Sauget Sites, and any work plans, sampling plans, quality assurance/quality control and health and safety plans prepared by Solutia and approved by the EPA for work to be performed under the AOC. We would appreciate it if you could forward copies of those materials to us as soon as



CERRO COPPER PRODUCTS CO.

Mr. Michael D. Light
Page 2

August 25, 1999

possible so that we can familiarize ourselves in more detail with the activities that Solutia will be undertaking.

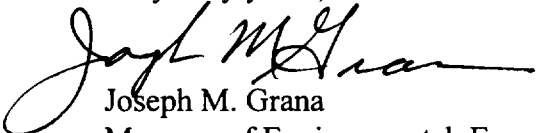
Cerro has grave concerns, however, about the extensive trenching operations that the EPA is apparently requiring on Site I. Cerro has no institutional knowledge of the types of materials that were disposed of in Site I while it was operated as a landfill. We are all aware, however, of the incident that occurred in 1989, when while attempting to install a light pole, workers drilling into Site I caused an air release that sent four of them to the hospital. We, thus, have real world evidence of the risks created by intrusive testing of Site I. The massive trenching that is currently contemplated will increase such risks, both to Cerro workers and the community at-large, exponentially. Cerro cannot consent to any operation that jeopardizes the health and safety of its workers. This is especially so given that the information that the trenching will reveal regarding the extent of the landfill could be obtained by much safer and less intrusive methods. At the very least, the trenching operation appears to be premature in light of the availability of safer alternatives.

For all of these reasons, Cerro is not prepared at this time to grant access to Solutia for the purposes of conducting the trenching operations on Site I, nor are we prepared to consent to the trenching that Solutia has proposed for the portion of Site H which its map depicts as extending onto Cerro's property. (We note in this regard that neither the EPA nor the IEPA has, to date, claimed that Site H extends onto Cerro's property.)

Cerro is prepared to allow the trenching to go forward on Site G. We understand that in the course of its removal action, the EPA, itself, conducted extensive trenching there without incident. Moreover, we have no reason to believe that landfilling activities ever occurred on the small portion of Site G that Cerro owns.

We look forward to meeting with you on August 27, 1999 to discuss these issues further. In the meantime, if you have any questions, do not hesitate to contact me.

Very truly yours,



Joseph M. Grana
Manager of Environmental, Energy
And Health Services Group

cc: Mr. Joseph Nassif (Thompson & Coburn)
Mr. Richard Ricci (Lowenstein Sandler)